

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

Docket No. 2000-158

March 21, 2000

INLAND HOSPITAL  
Appeal of Consumer Assistance  
Division Decision #2000-7866 Regarding  
Kennebec Water District

ORDER

WELCH, Chairman; NUGENT, and DIAMOND Commissioners

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**I. SUMMARY**

In this Order we uphold the decision of the Consumer Assistance Division (CAD), which upheld the decision of the Kennebec Water District requiring individual metering of units in a new professional office condominium being built by Inland Hospital.

**II. BACKGROUND**

Inland Hospital (Inland) proposes to build a professional office condominium adjacent to the hospital. Inland requested permission from the Kennebec Water District (District) to use a single water meter for the entire building.

The District denied Inland's request. The District's terms and conditions specifically require at section 17(J):

Where there is more than one occupant of a building supplied with water, the plumbing must be so arranged by the owner to permit separate connections with shutoffs and meter in locations acceptable to the Utility, or each place of business or abode.

Section 17(L) further requires units in new multi-unit structures to be separately metered.

After reviewing Inland's request, the District decided that the project was similar to other multi-unit projects added to the District's system over the past few years. The District has consistently enforced the policies contained in its terms and conditions. Therefore, it turned down Inland's request.

Inland appealed the District's decision to CAD. CAD upheld Inland's decision finding it had properly applied its terms and conditions. Inland then appealed CAD's decision to the Commission.

### III. DECISION

We find that the District properly applied its filed terms and conditions in this situation. We would overturn the District's decision only if we found that the District's terms and conditions are unreasonable or that it had interpreted its terms and condition in an unreasonable manner. It does not appear to be an unreasonable policy to require individual metering for new units in multi-unit buildings. The District explained to Inland its reasons for establishing the policy. The policy: 1) makes users responsible for costs; 2) allows the District better control of accounts; 3) provides a conservation incentive; and 4) maintains equitable treatment of all customers in new multi-units buildings. Further, the District's rates are designed so that each metered customer pays a monthly or quarterly service charge, which includes 300 cubic feet of water. If some customers in multi-unit buildings can be served from a single meter, this will create a disparity in the amount charged to similarly situated customers.

We cannot find that the District's policy, either on its face or as it has been applied here, is unreasonable.<sup>1</sup> Therefore, we uphold CAD's decision and we decline to investigate this matter further.

Dated at Augusta, Maine, this 21st day of March, 2000.

BY ORDER OF THE COMMISSION

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Dennis L. Keschl  
Administrative Director

COMMISSIONERS VOTING FOR:      Welch  
   Nugent  
   Diamond

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<sup>1</sup> We do encourage the District to look at any other options that would meet the objectives of its individual metering policy and maintain the same financial contribution from individually metered units, while allowing Inland to avoid certain capital costs of individual metering.

### NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320 (1)-(4) and the Maine Rules of Civil Procedure, Rule 73 et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320 (5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.